

REMARKS

Upon entry of the present Amendment, claims 1, 5-17 and 19-22 are all the claims pending in the application. Claim 1 has been amended. Claims 2-4 and 18 have been canceled without prejudice.

Claim 1 has been amended to incorporate the subject matter of canceled claim 18, to recite that the barrier layer is a barrier layer which is doped with a Group IV element at an average atom density of $1 \times 10^{17} \text{ cm}^{-3}$ to $5 \times 10^{18} \text{ cm}^{-3}$ and which exhibits low resistance. Claim 1 has been amended to further clearly point out the claimed subject matter, to recite that the well layer is partially not present. Support for claim 1 can be found in the specification, for example, at page 13, lines 25-28.

No new matter has been added. Entry of the Amendment is respectfully requested.

I. Rejections under 35 U.S.C. 102(b) and 103(a) Based on Yamada

Claims 1, 5, 11 and 16-17 were rejected under 35 U.S.C. 102(b) as allegedly being anticipated by Yamada (US 6,608,330 B1).

Claims 6-8 were rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada in view of Hanaoka et al. (US 5,804,839).

Claim 9 was rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada.

Claims 12, 13 and 15 were rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada in view of Morita et al. (US 6,121,636).

Claim 14 was rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada in view of Kaneyama et al. (US 6,452,214 B2).

Claims 18 and 19 were rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada in view of Sasaoka (US 2003/0042496 A1).

In the Advisory Action dated October 16, 2008, in response to Applicants' arguments that Yamada fails to disclose that the barrier layer is doped with an impurity component, as recited in claim 1, the Examiner maintains that an AlGaN layer is an GaN layer doped with Al.

Applicants respectfully traverse the above rejections.

Claim 1 presently recites that the barrier layer is a barrier layer which is doped with a Group IV element at an average atom density of $1 \times 10^{17} \text{ cm}^{-3}$ to $5 \times 10^{18} \text{ cm}^{-3}$ and which exhibits low resistance.

Yamada at least fails to disclose a barrier layer doped with a Group IV element at an average atom density of $1 \times 10^{17} \text{ cm}^{-3}$ to $5 \times 10^{18} \text{ cm}^{-3}$ and which exhibits low resistance.

In addition, claim 1 presently recites that the well layer is partially not present.

Yamada does not disclose or suggest a gallium nitride compound semiconductor light-emitting device comprising a well layer, wherein the well layer is partially not present. Yamada fails to disclose or teach that the first and second well layers have a portion having a thickness of 0 nm.

In contrast, Yamada discloses that the second well layer has dished portions having a thickness less than a half of an average thickness thereof (Col. 5, line 59 to Col. 6, line 5, and Fig. 6). However, Yamada fails to disclose or teach that the first and second well layers having portions wherein the layers are partially not present.

AMENDMENT UNDER 37 C.F.R. § 1.114(c)
U.S. Application No.: 10/586,909

Attorney Docket No.: Q79714

Each of Hanaoka, Morita and Kaneyama fails to make up the noted deficiencies of Yamada.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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